

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: David Edward Evans

Assignee: International Business Machines Corporation

Serial No.: 10/561,686 Filing Date: 12/02/2003

Examiner: Unknown Group Art Unit: Unknown

Docket No.: GB920030049US1

International PCT/GB03/05267
Application. No.

COMMISSIONER FOR PATENTS
PO Box 1450
Alexandria, VA 22313-1450

**DECLARATION OF FACTS IN CONNECTION WITH AN INVENTOR
WHO WAS UNABLE TO BE LOCATED TO SIGN THE DECLARATION**

This declaration is made as to the exact facts that are relied upon to establish the diligent effort made to secure the execution of the declaration by the inventor refusing to join in the above-identified patent application before deposit thereof in the Patent and Trademark Office.

This declaration is being made by the available person having knowledge of the facts recited therein.

I. IDENTIFICATION OF PERSON MAKING THIS DECLARATION OF FACTS

Stephen A. Terrile

Name of declarant

P.O. Box 203518

Address of declarant

Austin, Texas 78720

II. LAST KNOWN ADDRESS OF THE OMITTED INVENTOR

David Edward Evans

Full name of omitted inventor

19 Harthill Close, Kingsmead

Last known address of omitted inventor

Northwich, Cheshire, CW9 8UU

III. DETAILS OF ATTEMPTS TO LOCATE INVENTOR TO SIGN APPLICATION PAPERS

- (1) I am an attorney representing International Business Machine Corporation, assignee of the above-mentioned patent application.
- (2) On November 4, 2003, a letter was mailed to David Edward Evans' last know address, along with a copy of the application, declaration, and assignment for his signature. No response was received.
- (3) On December 12, 2005, an attempt to contact Mr. Evans' was made via email to his last know email address. No Response was received.
- (3) On January 16, 2006, correspondence was mailed to Mr. Evans at his last known address. No response was received.
- (4) On March 2, 2006, an attempt was made to contact him through an old colleague who responded that he had no contact with Mr. Evans.
- (5) A copy of the correspondence and email attempts to locate Mr. Evans are attached hereto as Exhibit "A".

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable to fine or imprisonment, or both, under Section 1001 of title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: July 10, 2006

/Stephen A. Terrile
Signature of declarant

TO: LINDA DUPONT



Evelyn Steer/UK/Contr/IBM
06/02/2006 13:37
This document expires on
07/05/2006

To Linda Dupont/Raleigh/IBM@IBMUS

cc

bcc

Subject Re: Fw: Signatures Needed GB920030049US1

Hi Linda

I've tried everything but can't find him. I'm faxing everything I have which will, hopefully, be useful to you.

Kind regards/Evelyn

Evelyn Steer
IP Law Support Administrator
UK Intellectual Property Law
MP 110, Hursley Park, Winchester
Tel 01962 815825 Fax 01962 818927
Email e8steer@uk.ibm.com

Linda Dupont/Raleigh/IBM@IBMUS



Linda
Dupont/Raleigh/IBM@IBMU
S
02/02/2006 17:54

To Evelyn Steer/UK/Contr/IBM@IBMGB

cc

Subject Re: Fw: Signatures Needed GB920030049US1

Hi Evelyn, I will need the inventors last known address and a "log" of your attempts to contact him. Hopefully, we will find him and he will sign before we have to go through the paperwork to get this handled.

Regards,
Linda

Administrative Analyst - Intellectual Property Law
T81/503-3
Research Triangle Park, NC
T/L 441-5823 - 1-919-543-5823
EMAIL: dupont@US.IBM.COM
FAX: 919-254-4330 -T/L 444-4330

*Visit the RTP Legal Web Site at
<http://w3legal.raleigh.ibm.com/index.html>

Evelyn Steer/UK/Contr/IBM@IBMGB



Evelyn
Steer/UK/Contr/IBM@IBMG
B
02/02/2006 04:11 AM

To Linda Dupont/Raleigh/IBM@IBMUS

cc

Subject Fw: Signatures Needed GB920030049US1

BT home, Fersiwn Cymraeg yn dod yn fuan



The Phone Book

Home

Find a number

Advertising with us

Knowledge centre

You are here: Find a number > Residential numbers

Residential numbers

Help

Residential numbers

I am looking for a person by name preferences

surname

evans

initials

d

town or postcode

cw9 8uu

street

harthill close

Search

Find a number

Residential numbers

Business numbers

UK dial codes

International dial codes

Searched for evans, d in and around cw9 8uu on a street called harthill close

The person could not be found

The number you are searching for maybe ex-directory. Alternatively, please try the suggestions below.

Suggestions

Try searching again using the following tips:

1. Check your spelling
2. Try an alternative surname
3. Reduce the surname to first 4 letters followed by an * e.g. Brit*
4. Try changing the search preferences

Chris J Harris1/UK/IBM
03/02/2006 10:19
This document expires on
04/05/2006

To John Hosie/UK/IBM@IBMGB
cc Evelyn Steer/UK/Contr/IBM@IBMGB
bcc
Subject Re: Fw: Dave Evans

Hi John,

Sorry no, last contact was when I bought his house!

Chris

Chris Harris
WMQI Development
Tel. +44 1962 817591
Email harriscj@uk.ibm.com
John Hosie/UK/IBM

John Hosie/UK/IBM
03/02/2006 10:08

To Chris J Harris1/UK/IBM
cc Evelyn Steer/UK/Contr/IBM
Subject Fw: Dave Evans

Chris,

Do you still keep in touch with Dave?

Cheers

John

John Hosie

WebSphere Business Integration Brokers Development

Mail Point 211, IBM (UK) Ltd, Hursley Park,
Winchester, Hampshire, SO21 2JN

e-mail/sametime: JHosie@uk.ibm.com

Tel,

Internal: 247821

External: 44-1962-817821

— Forwarded by John Hosie/UK/IBM on 03/02/2006 10:07 —

Evelyn Steer/UK/Contr/IBM
03/02/2006 09:36

To John Hosie/UK/IBM@IBMGB
cc
Subject Dave Evans



Hi John

I'm trying to contact an old colleague of yours, Dave Evans. I need him to sign some papers for an invention of his which is being filed at the US Patent Office.

In June 2003 Mark Cox gave me an email address for him, which I have tried but received no response to. I also mailed the papers to him at his Cheshire address but, once again, had no response so I assume that he's probably moved. Mark Cox mentioned your name, so I thought you might be able to help. Do you have any contact with him, or do you know of anybody else who might know his whereabouts?

Thanks in anticipation.

Evelyn

Evelyn Steer
IP Law Support Administrator
UK Intellectual Property Law
MP 110, Hursley Park, Winchester
Tel 01962 815825 Fax 01962 818927
Email e8steer@uk.ibm.com



Evelyn Steer/UK/Contr/IBM

22/12/2005 09:12

This document expires on

22/12/2007

To daveevans_@hotmail.com

cc

bcc

Subject GB920030049

Hi Dave

Your above invention is being prepared for filing at the US Patent Office. Please find attached soft copies of US formal papers for your signature. There are two forms to be completed. The first is the 'Declaration and Power of Attorney' and the second is an 'Assignment' of the patent rights to IBM. Please print the forms single-sided, sign and date both the forms WITH YOUR FULL NAMES AS TYPED using blue ink (these are requirements of the US Patent Office), and return to me at the address below as soon as possible. If something on the form is incorrect (eg your name, address or citizenship), please correct it in pen and initial and date the change.

Please also be aware of your duty under US law to disclose information (ie technical publications such as journal articles, competitor's product brochures or patents) which is material to the patentability of this application. This obligation extends until the US patent is granted. Therefore, as you become aware of any additional information, please inform me on an ongoing basis.

If you have any queries, please don't hesitate to contact me.



GB920030049 Assignment.pdf



GB920030049 Declaration.pdf

Many thanks for your help.

Kind regards/Evelyn

Evelyn Steer
IP Law Support Administrator
UK Intellectual Property Law (MP110)
Hursley Park
Winchester
Hampshire SO21 2JN
Tel 01962 815825 Fax 01962 818927
Email e8steer@uk.ibm.com

16.01.06.

Hi Dave - I hope you're at the same address + that this finds you. Please complete the forms + return them to me as soon as possible - they're needed in the US urgently.

Thanks very much.

Evelyn.



Evelyn Steer/UK/Contr/IBM

22/12/2005 09:14

This document expires on
22/03/2006

To Linda Dupont/Raleigh/IBM@IBMUS

cc

bcc

Subject Re: Signatures Needed GB920030049US1

Hi Linda

The inventor left IBM over two years ago, so I'm not sure whether he's at the same address. I had an email address for him then, so hopefully it's still the same. This is just to warn you that it may take a bit longer than usual to get the signatures.

Kind regards/Evelyn

Evelyn Steer

IP Law Support Administrator

UK Intellectual Property Law

MP 110, Hursley Park, Winchester

Tel 01962 815825 Fax 01962 818927

Email e8steer@uk.ibm.com

Linda Dupont/Raleigh/IBM@IBMUS



Linda

Dupont/Raleigh/IBM@IBMU
S

21/12/2005 18:16

To Evelyn Steer/UK/Contr/IBM@IBMGB

cc

Subject Signatures Needed GB920030049US1

Hi Evelyn, here is the last request (for this year) for signatures on US formal papers. Please have the inventor sign and send the forms back to me, via Fax, and mail the originals like always. This was entering PCT National Phase so I have included a copy of the Preliminary Amendment that Mr. McKinley filed along with this application.



GB9-2003-0049 US1 Prelim Amend.doc



scan.pdf scan.pdf Assignment and Declaration

Regards,
Linda

Administrative Analyst - Intellectual Property Law
T81/503-3

Research Triangle Park, NC

T/L 441-5823 - 1-919-543-5823

EMAIL: dupont@US.IBM.COM

FAX: 919-254-4330 - T/L 444-4330

*Visit the RTP Legal Web Site at
<http://w3legal.raleigh.ibm.com/index.html>



*IBM United Kingdom Limited
Hursley Park
Winchester
Hampshire SO21 2JN
Telephone: +44 (0) 1962 815000
Fax: +44 (0) 1962 842327
Fax No +44 1962 818927*

D E Evans
19 Harthill Close
Kingsmead
Northwich
Cheshire
CW9 8UU

4 November 2003

Hi Dave

DOCKET NO: GB920030049

Further to our email correspondence, I am enclosing the papers which need your signature.

To file your invention at the US patent office I enclose the final version of the patent application, and the formal papers. There are two forms to be signed and dated. The first is called 'Declaration and Power of Attorney' and the second is an 'Assignment' of the patent rights to IBM. Please sign and date both the forms where indicated **WITH YOUR FULL NAMES AS TYPED** using blue ink (these are requirements of the US Patent Office), and return the complete package to me as soon as possible. If something on the form is incorrect (eg your name, address or citizenship), please correct it in pen and initial the change. Please also be aware of your duty under US law to disclose information (ie technical publications such as journal articles, competitor's product brochures or patents) which is material to the patentability of this application. This obligation extends until the US patent is granted. Therefore, as you become aware of any additional information, please inform me on an ongoing basis.

I also enclose a PCT Power of Attorney for signature, which will enable us to file your invention in various other countries around the world.

If you have any queries, please don't hesitate to contact me.

Thanks very much for your help.

Kind regards

Evelyn Steer
Patent Administrator
UK IP Law Department
Hursley Park, Winchester
Tel: 01962 815825

Encs